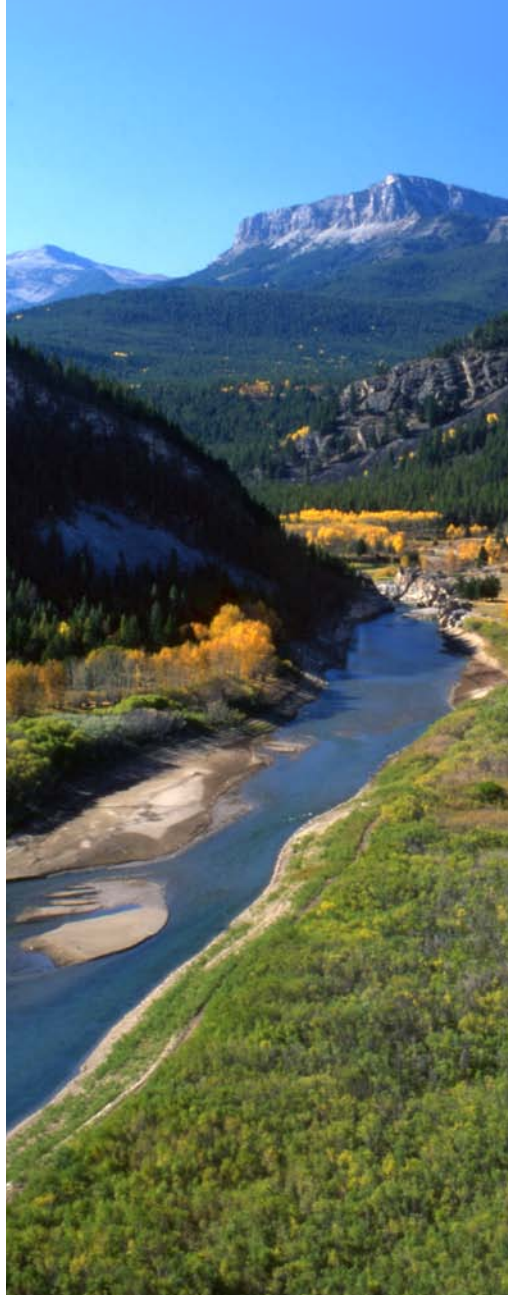




Montana Department
of Natural Resources
and Conservation

FLOODPLAIN MANAGEMENT PROGRAM

Serving Montana's Communities
Since 1974



Sun River – photo by Mark Boesch

HIGHGROUND

January 2009

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are funded, in part through grants from FEMA.

My Bank is Making Me Buy Flood Insurance What Can I Do?

Submitted by Marijo Brady,
Flood Insurance Program (NFIP) Specialist FEMA Region VIII

Question: My bank said I'm in the floodplain and have to buy insurance. I don't believe it. What can I do?

Answer: If a lending institution is federally regulated or making federally-backed loans, it must review the NFIP maps to determine if the building is located in a *Special Flood Hazard Area*. The SFHA is the area that is expected to be inundated by a 1% annual chance flood.

If the bank makes such a determination, it must require the borrower to purchase flood insurance. Please note, these determinations are purely in/out and do not involve the vertical elevation of the structure.

If you disagree with the lending institution's determination, you may request that FEMA review the lender's determination. FEMA will then review the information that the lending institution used, and issue a letter that states whether we agree with the determination.

Your request must be postmarked no later than 45 days after the lending institution notifies you of the flood insurance requirement and the submittal must be complete. The request must include all of the information and fees listed in the Letter of Determination Review (LODR) information sheet.

If your request is postmarked after the 45-day limit has expired, or if we do not receive all of the information

within the 45-day limit, we will not be able to review the determination and the flood insurance requirement stands. FEMA's responses to these requests are called LODRs, and offer two basic dispositions: (1) the lender's determination stands or (2) it is overturned. FEMA's determination is based on the technical data submitted. If the lender's evidence is inconclusive or the request is incomplete, FEMA can disagree with the lender's determination.

FEMA's response does not amend or revise the NFIP map for your community. It only states that FEMA agrees or disagrees with your lender's determination.

Occasionally, a lending institution may require insurance if it determines that a part of your lot is in the SFHA. The NFIP does not insure land. However, even if you submit evidence that your building is out of the floodplain, the bank may still decide to require insurance on your building.



FEMA

Source: FEMA website:
<http://www.fema.gov/faq> (ID 1010)

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Montana DNRC Proposes Legislation for Flood Map Adoption Efficiency

What is the Water Operations Bureau? And where is it in the DNRC?

Dam Safety, Water Measurement, the Board of Water Well Contractors and Floodplain Management all fall under Laurence's guiding hand and together make the Water Operations Bureau.

Water Operations and four other bureaus including Water Rights make up Montana's DNRC Water Resources Division. This Division is housed in its own building about two blocks from the main DNRC building. The DNRC has over 500 employees and a total of seven Divisions including Forestry as well as Conservation and Resource Development. The latter Division is associated with conservation districts, the antics of Dave Martin and the energy of Karl Christians.

By Laurence Sirokey,
Water Operations Bureau Chief

The DNRC is proposing legislation as a clarification to the Montana Floodplain and Floodway Management Act. Specifically, it addresses avoiding duplicative efforts by state and local governments in adopting new or revised Federal Emergency Management Agency floodplain maps. Local government jurisdictions may adopt the FEMA maps thru their local ordinance adoption process. The DNRC adoption process was designed in the 1971 Act when it was anticipated that the state would be developing its own floodplain maps. What was thought in 1971 and what exists today are different. The state has not been developing costly floodplain maps but has continued to benefit from federal efforts in map development.

This concept to avoid duplicate efforts has been submitted for legislative drafting. After the draft is completed it will be posted as LC284.

Regardless of the outcome of this proposed legislation, the Montana DNRC floodplain staff will continue to provide input to FEMA during the map development and adoption process. We will also continue to provide technical and educational assistance to local communities and government officials during their evaluation and adoption phase of new floodplain maps.



Montana Association of Conservation Districts

By Mary Guokas



Mary Sexton, Director of the Montana Department of Natural Resources and Conservation, poses in front of the Floodplain booth at the Montana Association of Conservation Districts Conference in Missoula, 11/20/2008.

DNRC file photo.

"The Joint Application form for Proposed Work in Streams, Lakes and Wetlands in Montana" is used by many entities to streamline the permit application process for applicants. Many local floodplain administrators know that local conservation districts issue 310 permits and many local conservation district representatives know that local municipalities, counties, and tribes issue floodplain permits. One reason I attended the Montana Association of Conservation Districts Conference in November was to help continue to bridge gaps between conservation districts and local floodplain programs. With a list in hand of local floodplain administrators, http://dnrc.mt.gov/wrd/water_op/floodplain/pdfs/communities_floodplain_administrators.pdf, I talked with a number of conference participants.

It was apparent that the conference participants were interested in Montana's natural resources, water resources, Montana families, communities, and economic issues. I learned about agricultural land that has been in the same family for four or more generations. It struck me how many floodplain administrators, community planners, and CD representatives see the dangers of a short-term perspective for Montana. Decisions, the granting or denying of permits, and other actions of today will affect the quality of the soil, the damages from flooding, and the overall health of Montana's resources and people for many years to come.

Get to know your CD representatives at <http://www.macdnet.org/conservationdistrictdirectorycontact.htm>

Manufactured Homes and Flood Hazards

By Traci Sears, Montana NFIP Coordinator



East Gallatin River Flooding 5/25/08



U.S. Department of Housing and Urban Development (HUD) has adopted new federal regulations specific to manufacture home installation. Under the 24 Code of Federal Regulations (CFR) Sections 3285 and 3286, Model Manufactured Home Installation Standards have been adopted to improve the resistance of manufactured homes to natural hazards. 24 CFR 3285 and 3286, the "National programs established to protect the health and safety of the owners of manufactured (mobile) homes through the enforcement of the federal manufactured home construction and safety standards and administration of dispute resolution." This article is intended to inform communities of the new HUD regulations and does not take the responsibility completely off the homeowner to obtain required permits which would include floodplain permits.

The Emergency Management Institute (EMI) has dedicated an entire module from their Advanced Floodplain Management Concepts II class to address these new regulations and how they affect the NFIP and the administration of the program in a community. In short the installers have to be trained and certified to install new modular and manufactured homes that have been sold or with production dates after October 21, 2008. The burden is on the installer to determine whether a home site is wholly or partly in a flood hazard area and to make sure all applicable permits have been obtained to install the manufactured and or modular unit.

The following is a brief breakdown of regulations pertaining to manufactured and or modular homes:

- Installers must comply with HUD 24

CFR Part 3285 and 3286.

- Areas of the HUD regulations that make direct reference to "flood hazards", the NFIP regulations, and or FEMA 85: Sections 3285.102, 3285.203, 3285.302, 3285.302, 3285.402, 3285.406, and 3285.905.
- 44 CFR 59.1 provides the Federal definition of manufactured home, but modular homes are not defined.
- 44 CFR 60.3 (b)(8) and 44 CFR 60.3 (c)(6) address the primary NFIP regulations for manufactured homes.
- Administrative Rules of Montana (ARMs) 36.15.101(15) defines manufactured homes, but again does not define modular homes.
- ARMs 36.15.702 (a)(i) and (ii) addresses the placement of manufactured and mobile homes.

The new HUD regulations "require the installer to determine that the site is appropriate for the foundation or support and stabilization system that is proposed to be used to install the home in accordance with the Federal installation standards in part 3285. Therefore all references in 3285 to the Flood hazard area for pre-installation, site preparation and foundation requirements must be met. This would also require the installer to ensure that all unique characteristics of the site have been fully addressed, i.e. Special Flood Hazard Area (SFHA)." One condition a community should consider placing in their floodplain permits is a copy of the contract for installation.

Installers should be reminded that floodplain permits are required in the Special Flood Hazard Area (SFHA) and can take up to 120 working days or longer to obtain. Per NFIP

continued...

continued from Manufactured Homes and Flood Hazards



Anawalt, WV, 07/28/01 -- Floods uprooted these trailer homes and washed them into a parking lot. New federal regulations in manufactured home installation may help reduce events like this.

Photo by Leif Skoogfors/FEMA photo.

federal regulations, a floodplain application is not complete without all other applicable permits obtained prior to submittal and issuance of the floodplain permit. If fill is required to elevate the building site, the process could take substantially longer to meet Montana rules and regulations. The homeowner and installer would need to work with the community months prior to incorporate the floodplain regulations, the placement, and installation of a manufactured or module home in the SFHA.

There are enforcement provisions in the new regulations for improperly installed manufactured or modular homes. The homeowner or local official can generate a complaint. Complainants have one year from the date of installation to file a complaint. HUD 3286 manages licensed installation of manufactured homes in 12 states, one of which is Montana. To find out more information about this program or to make a complaint contact the HUD office at **800-927-2891**.

Greetings from the State Capitol



Happy New Year, from all the Helena staff associated with the Montana DNRC Floodplain Program.

Laurence Siroky is the Water Operations Bureau Chief, and supervises the Floodplain Program, in addition to the Dam Safety, Water Measurement, and Board of Water Well Contractor programs. Traci Sears, Mary Guokas, and Celinda Adair devote 100% of their time to all matters floodplain. Bri Shipman is the administrative guru for the Floodplain Program in addition to the entire Water Operations Bureau. Chad Hill currently spends the majority of his time working on Dam Safety projects, in addition to providing technical assistance to the Floodplain Program.

Not pictured is Helena Regional Engineer, Jim Beck. Jim works for a 9-county region of the Montana DNRC, and a portion of his work is related to floodplain management. Outside of Helena are the other Regional Engineers: Sam Johnson—Billings; Marvin Cross—Havre; Sterling Sundheim—Lewistown; and Larry Schock—Missoula. The entire floodplain staff would like to wish you and yours a safe and happy 2009.

Photo by Bob Schleicher with the Governor's Citizens' Advocate Office.

Wading Through Resources

By Mary Guokas



*No Adverse Impact CD produced by
Big Hole Watershed Committee*

State Floodplain Engineer Position Vacancy

The Department will be recruiting for the vacant Floodplain Engineer position in our Floodplain Program in Helena. The complete announcement will be in the job listings for the Department and Job Service:

[http://statejobs.mt.gov/pls/mjs/MJS0100W\\$JORD4.QueryList](http://statejobs.mt.gov/pls/mjs/MJS0100W$JORD4.QueryList)

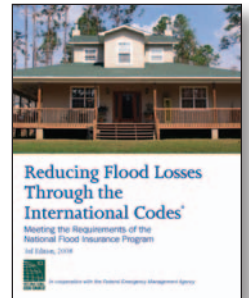
If there is one thing I've come to learn about floodplain management, it's this: There is an abundance of print, CD, and electronic material available. At times, the abundance can seem like a flood when what you needed was a cup of drinkable water. Marijo Brady, FEMA Region VIII NFIP (National Flood Insurance Program) Specialist, developed a well-organized, pertinent information sheet. It's easily accessible on our web-site and can be helpful if you are looking for anything from instructions on completing an Elevation Certificate or an application for a LOMA (Letter of Map Amendment): http://dnrc.mt.gov/wrd/water_op/floodplain/pdfs/pertinent_reference_info.pdf

Additionally, we've started a small library of material in our office for loan. Please see the [current resources](#) we have available. As funding and copyright law permits, we will gladly mail and/or reproduce material or post information on our website. I'd like to highlight the "*No Adverse Impact*" (NAI) CD produced by the Big Hole Watershed Committee (BHCW) last winter. This contains some of the latest and greatest floodplain information. Thank you Big Hole Watershed Committee for allowing us to copy and make this CD available to others. Note: The information on this CD is similar to NAI information posted on our website: <http://www.mtfloodplain.mt.gov/nai/default.asp>. In contrast to the 2008 CD, the library has Montana flooding footage from the 1980s and 1990s that will be converted to DVD. Call me at 444.1343 or send me an email at mguokas@mt.gov to arrange getting a loan or reproduction of any of the material listed.

Admittedly, the task of getting Montana flood photos organized, scanned and available electronically seems daunting. We have a lot of

photos! Nonetheless, it is on our "to-do" list and we do have some photos scanned and may be able to meet a request for specific photos.

Lastly, here are three 2008 FEMA publications which may be of interest to you:



Reducing Flood Losses through the International Code Series
<http://www.fema.gov/library/viewRecord.do?id=2094>
 (**FYI-Building permits do not replace floodplain permits**)

Flood Damage-Resistant Materials Requirements
<http://www.fema.gov/library/viewRecord.do?id=1580>

Openings in Foundation Walls and Walls of Enclosures
<http://www.fema.gov/library/viewRecord.do?id=1579>

continued from My Bank is Making Me Buy Flood Insurance - What Can I Do?

AMFM Conference March 2-5, 2009

Remember to mark your calendars for the 10th Annual Association of Montana Floodplain Managers (AMFM) Conference which will be held at the Best Western Heritage Inn in Great Falls, Montana, March 2-5, 2009. Conference registration will be posted on the AMFM website at www.mtfloods.org



Editor's Note:

Flood insurance isn't always a "bad" thing. I am like many people. Ten years ago, I never would have taken off my shoes and been subject to search in order to board a plane. Now, like many people, I do it as a matter of business. This practice removes some, but not all the risk in air travel. If I want to fly commercially, I take off my shoes and go through the metal detector, even though I don't like doing it. It makes flying safer for me and all other travelers. Obviously, if you are not going to fly, you can go to the airport and say good-bye to your party without any security check. It's clear-cut. Either you are or you are not boarding the plane.

The risk of flooding is not as straightforward. An interest in not

having to purchase flood insurance is natural, especially if you are definitely out of harm's way. Any person wants the risks to be measured fairly. However, if you are at some risk, is flood insurance always a bad thing? I've repeatedly used the example from a 2008 FEMA news release from Lacey, Washington, comparing two \$200,000 houses that incurred flood damages. The homeowners with flood insurance paid \$17,500 out of pocket, including 10 years of premiums. The out-of-pocket expense for the uninsured was \$210,000. The Flood Insurance Rate Maps (FIRMs) are used to help determine risk, but they are not a "crystal ball". My suggestion is to use good judgment, and wear socks with no holes and easy slip-on shoes before boarding a plane.

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